

CERTIFIED MAIL

March 18, 1987

Mr. Yasuki Arakaki  
P. O. Box 160  
Keaau, HI 96749

Dear Mr. Arakaki:

Variance Application (V87-3)  
Yasuki Arakaki  
Tax Map Key 1-7-05:24

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow the creation of a 2-lot subdivision without a water system meeting with the minimum water requirements of the County Department of Water Supply as required by Article 6, Division 2, Section 23-84(1) of the Subdivision Code. The subject property which consists of 3 acres and identified by TMK: 1-7-05:24, is located on the south side of Huina Road approximately 14,700 feet west of the Huina Road/Volcano Road intersection, Olaa Homesteads Reservation Lots, Puna, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances that exist which would warrant or necessitate a waiver from the minimum water requirements to service one lot of the proposed 2-lot subdivision. There presently exists a 6-inch water line along the frontage of the property. However, said water system cannot support an additional service connection for the proposed second lot at this time unless extensive off-site improvements are made. The Department of Water Supply is making some improvements to their Olaa-Mt. View System but has no definite timetable as to when additional water will be available for the proposed subdivision.

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From the map contained in Circular 688, Median Rainfall, State of Hawaii, the Oloa-Kurtistown Gage Station (91.3) receives a median rainfall of approximately 160 inches of rainfall per year. Based on the above median rainfall per year with a minimum roof catchment area of 2,000 square feet, approximately 199,416 gallons of water would be available for the year. Water consumption per month based on a household of 3.5 persons per family is 50 gallons per person or 175 gallons per day. The total yearly water consumption per family is approximately 63,875 gallons. The amount of water available exceeds the amount consumed.

Therefore, considering all of these foregoing issues, we have determined that there are special or unusual circumstances applying to the subject property which exists either to a degree which deprives the owner or petitioner of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

#### ALTERNATIVES

There are no other reasonable alternatives in resolving the difficulty of the petitioner. An alternative would be for the petitioner to make the necessary off-site improvements (booster pumps, reservoir, transmissions lines, etc.) to the existing County Water System that presently services the area. The other alternative would be to drill 2 wells. The cost of installing 2 wells including the necessary pumping, storage, distribution and related facilities would run into the millions of dollars.

As such, the imposition of providing a public or private water system for the proposed 2-lot subdivision would be putting excessive demands upon the petitioner when a more reasonable alternative is available.

#### INTENT AND PURPOSE

The intent and purpose of requiring a water system within a subdivision is to assure that adequate water is available for human consumption and fire protection. The fire protection facilities (fire hydrants) are available on the existing system.

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The analysis of the annual median rainfall for the area shows that there is adequate rainfall to support a water roof catchment system.

Based on the foregoing findings, the variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Codes and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the areas character and to adjoining properties.

The variance request is approved, subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The petitioner, its assigns or successors, shall file a written agreement with the Planning Department prior to receipt of final subdivision approval containing the following stipulations and covenants:
  - a. That the subdivider agrees and accepts the fact that a County dedicable public water is not now or in the foreseeable future available to service the subdivision, and that no portion of the subject property may be further subdivided without having a water system meeting with the standards of the Department of Water Supply.
  - b. That the subdivider agrees and accepts the fact the County will not at any time bear the responsibility of supplying public water to the subdivision.
  - c. That any future dwellings constructed on the property not served by the County water system shall have a minimum of 1,500 square feet of roof catchment surface with a minimum 10,000 gallon water storage facility.
  - d. That the written agreement shall be duly recorded at the Bureau of Conveyances of the State of Hawaii by the Department at the cost and expense of the subdivider.

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3. In the event that there are any amendments or changes to the subdivision after the agreement is signed, the subdivider shall be responsible for informing the Department of the amendments or changes so that the agreement can reflect the amendments or changes; further, the written agreement shall be considered as a condition and covenant running with the land and shall be binding upon the subdivider or owner, his heirs, executors, administrators or assigns or its successors and assigns and shall be incorporated by reference as an exhibit and made part of each agreement of sale, deed, lease or other similar documents affecting the title or ownership of each subdivided lot.
4. In the event that any of the lots are provided by a separate water service (individual meters) from the Department of Water Supply, the above covenants will no longer be in effect.

Should any of the foregoing conditions not be complied with, this variance shall automatically be voided.

If you have any questions on this matter, please feel free to contact us.

Sincerely,



ALBERT LONO LYMAN  
Planning Director

MO:sh

cc: Dept. of Water Supply

bcc: Kaoru (Subd. file)